

RESOLUTION # 19

RIGHT TO FARM PROGRAM

1 **WHEREAS**, the Right to Farm Act provides eligible, responsible farmers with
2 protection from restrictive local government ordinances, as well as public and private
3 nuisance actions, and provides increased protection to those farmers who operate in
4 accordance with agricultural management practices (AMPs) that have been adopted by
5 the State Agriculture Development Committee (SADC); and

6 **WHEREAS**, the SADC, working with a group that included farmers and
7 representatives from New Jersey Farm Bureau, Rutgers University, county agriculture
8 development boards and the planning community, developed and adopted an AMP
9 regarding On-Farm Direct Marketing facilities, activities and events, which became
10 effective on April 7, 2014; and

11 **WHEREAS**, that AMP does not specifically address, but other legislation has
12 enabled on a pilot-program basis, certain activities, known as “life-celebratory events,”
13 such as weddings, and that such events can be an important tool in marketing and
14 promoting the agricultural output of the farm and thus should be eligible, at some level,
15 for Right to Farm protection; and

16 **WHEREAS**, while P.L. 2014, Ch. 16, was signed into law in July 2014 to allow
17 wineries to hold special occasion events, including weddings and other life-celebratory
18 events, on preserved farmland under certain conditions, such winery events are not
19 eligible for Right to Farm protection under the Governor’s conditional veto of the bill; and

20 **WHEREAS**, there exists the possibility that too many life-celebratory events on a
21 given farm could reach a threshold where their main objective is not the marketing and
22 promotion of the farm’s agricultural output, and thus would not be eligible for Right to
23 Farm protection; and

24 **WHEREAS**, the Right to Farm Act gives primary jurisdiction in resolving
25 complaints against agricultural operations to county agriculture development boards
26 (CADB) and ultimately to the SADC if the decisions of the county boards are appealed,
27 and the SADC offers a voluntary Agricultural Mediation Program as an alternative to that
28 formal process, since mediation can help disputing parties quickly resolve their
29 problems, thereby saving all parties both time and costly legal fees; and

30 **WHEREAS**, the United States Department of Agriculture (USDA) Agricultural
31 Mediation Program informed the SADC that its grant funding for state agricultural
32 mediation programs may be used only to support conflict resolution of disputes involving
33 USDA agencies and agricultural credit matters; and

34 **WHEREAS**, the agricultural community continues to view Right to Farm as
35 critically important, with Right to Farm consistently ranked first among the New Jersey
36 Farm Bureau's annual ranking of its top 10 policy issues; and

37 **WHEREAS**, a bill (S-362) was introduced in January 2014 which would allow
38 farmers to recover reasonable costs and attorney fees incurred in defense of bad-faith
39 complaints against commercial agricultural operations; and

40 **WHEREAS**, experience shows that regular notice to all landowners that
41 agriculture is a publicly endorsed land use greatly enhances the education of
42 newcomers and longtime residents alike about the protections of the Right to Farm Act
43 and can help municipalities head off conflicts between farmers and other residents
44 before they become confrontational.

45 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 100th
46 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 4-5,
47 2015, strongly support New Jersey's Right to Farm Act to continue to provide
48 responsible farmers with critical protection against public and private nuisance actions
49 and against municipal regulations that constrain farming.

50 **BE IT FURTHER RESOLVED**, that we urge the SADC to continue developing,
51 prioritizing and adopting AMPs that establish standards for Right-to-Farm protection for
52 certain agricultural practices, in conjunction with the New Jersey Agricultural Experiment
53 Station and Rutgers University and with direct farmer input.

54 **BE IT FURTHER RESOLVED**, that we support the SADC's efforts to continue
55 outreach and education regarding the Right to Farm Act and to encourage mediation
56 before Right-to-Farm complaints are filed.

57 **BE IT FURTHER RESOLVED** that while special occasion events permitted on
58 preserved farmland as a result of P.L. 2014, Ch. 16, are not eligible for Right to Farm
59 protection, the 44-month pilot program for wineries on preserved farms is an important
60 opportunity to improve knowledge and understanding of such events so that, at the end
61 of the pilot program, solid data will be available upon which future special occasion
62 event/Right to Farm policy could be developed.

63 **BE IT FURTHER RESOLVED**, that, in the absence of SADC-adopted AMPs, we
64 support the County Agriculture Development Boards' continued development and
65 recommendation of site-specific agricultural management practices, which provide a
66 farmer with assurance that his or her specific operation or practices conform to generally
67 accepted agricultural management practices.

68 **BE IT FURTHER RESOLVED**, that we call on the SADC to continue its efforts to
69 provide the maximum protections under the Right to Farm Act.

70 **BE IT FURTHER RESOLVED**, that we call upon the County Agriculture
71 Development Boards to continue education efforts with the general public, farmers and
72 municipal, county and judicial officials with respect to the protections afforded
73 commercial farm operators under the Right to Farm Act, including the use of regular
74 notice via mail to all landowners that agriculture is a publicly endorsed land use.

75 **BE IT FURTHER RESOLVED**, that we call upon the SADC to continue to take
76 the necessary steps to ensure that owners of deed-restricted farms enjoy the same
77 flexibility in adapting their agricultural operations to achieve economic viability as do
78 owners of non-deed-restricted farms under the Right to Farm Act, specifically in the
79 areas of marketing and agritourism.

80 **BE IT FURTHER RESOLVED**, that we urge the passage of legislation (S-362) to
81 discourage repeated harassment suits against farmers, including requiring complainants
82 to pay all reasonable legal fees and associated costs the farmer may incur to defend
83 against complaints where the farmer is determined to be operating in compliance with all
84 appropriate AMPs or is otherwise entitled to right-to-farm protection.

85 **BE IT FURTHER RESOLVED**, that we call upon the Governor and Legislature to
86 appropriate a minimum of \$300,000 in the FY2015 state budget for the SADC and
87 counties to adequately administer the Act.

88 **BE IT FURTHER RESOLVED**, that we call on the SADC and the New Jersey
89 Department of Agriculture to work with the USDA Secretary of Agriculture to address
90 federal Agricultural Mediation Program grant funding issues and enable the New Jersey
91 Agricultural Mediation Program to continue to use federal funding to support mediation
92 and conflict resolution efforts for right-to-farm purposes.